



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Thomas A. Faha
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
EURO-COMPOSITES Corporation
FOR
Euro-Composites Corporation Elkwood Facility
Registration No. 40922**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and EURO-COMPOSITES Corporation, regarding the Euro-Composites Corporation facility located in Elkwood, Virginia, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Euro-Composites" means EURO-COMPOSITES Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Euro-Composites is a "person" within the meaning of Va. Code § 10.1-1300.
5. "Facility" means the Euro-Composites facility, located at 13213 Airpark Drive, in Elkwood, Virginia.
6. "mNSR Permit" means the Minor New Source Review Permit issued to Euro-Composites on June 25, 2018, to construct and operate a new process line at the Facility.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "Permit" means the State Operating Permit to operate an aramid and aluminum honeycomb composite manufacturing facility, Registration No. 40922, which was issued under the Virginia Air Pollution Control Law and the Regulations to Euro-Composites on September 28, 2010, as amended May 24, 2019.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.
15. "VOC" or "VOCs" means volatile organic compound(s).

SECTION C: Findings of Fact and Conclusions of Law

1. Euro-Composites owns and operates the Facility in Elkwood, Virginia. The Facility is subject to the Permit to operate an aramid and aluminum honeycomb composite manufacturing facility, and to the mNSR Permit that authorizes Euro-Composites to construct and operate a new process line at the Facility. Euro-Composites is an 80% synthetic minor (SM-80) source of emissions.

2. Euro-Composites conducted stack testing of the new process line constructed under the mNSR Permit on April 29 and May 7, 2020, in attempt to comply with the conditions of the mNSR Permit.
 - a. Analysis of the testing events revealed irregularities in collected airflow data, and it was ultimately concluded by Euro-Composites and its consultant that cyclonic flow was occurring and that such data could not be used to accurately calculate emissions of VOCs from the subject equipment.
 - b. Through correspondence with DEQ and in report documentation submitted to DEQ on November 11, 2020, Euro-Composites stated that select equipment constructed under the mNSR Permit was not constructed to allow for EPA Method 2-Determination of Stack Gas Velocity and Volumetric Flow Rate.
3. Condition 25 of the mNSR Permit states: "Emissions Testing - The Stabilization oven (Ref. No. P56), the dip tank (Ref. No. P57), the catalytic oxidizer (Ref. No. P58) the purge/cure ovens (Ref. Nos. P59 & P60) and the Wisconsin Bonding oven (Ref. No P61) shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility/equipment such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing a stack or duct that is free from cyclonic flow. Sampling ports shall be provided when requested and safe sampling platforms and access shall be provided. (9 VAC 5-50-30 F and 9 VAC 5-80-1180)."
4. Results of the stack testing conducted on April 29, and May 7, 2020, were submitted to DEQ on November 11, 2020, which was 188 days after the testing was performed and after the due date of July 6, 2020 (60 days after testing) as required by the mNSR Permit.
5. As of the date of signature of this Order, Euro-Composites has not conducted a valid stack test of the new process line at the Facility in accordance with Condition 22 of the mNSR Permit.
6. Condition 22 of the mNSR Permit states: "Stack Test - Initial performance tests shall be conducted for VOC from the catalytic oxidizer (Ref. No. P58) using EPA Reference Method 25A to determine compliance with the emission limits (lb/hr) and control efficiency requirements contained in Conditions 1 and 20. The tests shall be performed within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Air Compliance Manager of the Northern Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Air Compliance Manager of the Northern Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit. (9 VAC 5-50-30, and 9 VAC 5-80-1200)."

7. 9 VAC 5-170-160(A) provides that the Board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law.
8. Va. Code § 10.1-1322(A) states that pursuant to the regulations adopted by the Board, permits may be enforced under the provisions of this chapter and failure to comply with any condition of a permit shall be considered a violation of this chapter.
9. On August 26, 2021, based on DEQ's evaluation of submitted information, DEQ-NRO issued a Notice of Violation (NOV No. ANRO001934) to Euro-Composites for the violations at Facility described above.
10. On September 14, 2021, Euro-Composites submitted a written response to the NOV, and on September 22, 2021, DEQ staff and representatives of Euro-Composites had a conference call to discuss the NOV, Euro-Composites' response and plans for corrective actions, and enforcement proceedings. Euro-Composites confirmed that it has not been operating the new process line since it has been unable to complete a valid stack test.
11. Based on the stack test report received by DEQ on November 11, 2020, the NOV issued to Euro-Composites on August 26, 2021, the NOV reply submitted by Euro-Composites on September 14, 2021, the conference call held on September 22, 2021, and related correspondence between DEQ and representatives of Euro-Composites, the Board concludes that Euro-Composites has violated Conditions 22 and 25 of the mNSR Permit as described above.
12. Euro-Composites has stated to DEQ that it will not operate the new process line for production until a valid stack test is performed. DEQ and Euro-Composites have agreed, as specified in Appendix A, to allow limited operation of equipment mNSR Reference Nos. 58, 59, and 60 to perform an aerospace uniformity performance survey prior to completing a valid stack test.
13. In order for Euro-Composites to complete its return to compliance at the Facility, DEQ staff and representatives of Euro-Composites have agreed to the Schedule of Compliance, which is incorporated as Appendix B of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Euro-Composites, and Euro-Composites agrees to:

1. Perform the actions described in Appendix B of this Order; and
2. Pay a civil charge of **\$13,212.47** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Euro-Composites shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Euro-Composites shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Euro-Composites for good cause shown by Euro-Composites, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. ANRO001934 dated August 26, 2021. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Euro-Composites admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Euro-Composites consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Euro-Composites declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by Euro-Composites to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Euro-Composites shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Euro-Composites shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Euro-Composites shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.


9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Euro-Composites. Nevertheless, Euro-Composites agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Euro-Composites has completed all of the requirements of the Order;

- b. Euro-Composites petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Euro-Composites.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Euro-Composites from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Euro-Composites and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Euro-Composites certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Euro-Composites to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Euro-Composites.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, Euro-Composites voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 16th day of May, 2022.


Thomas A. Faha, Regional Director
Department of Environmental Quality

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EURO-COMPOSITES Corporation voluntarily agrees to the issuance of this Order.

Date: 05/12/2022 By: Jameson L. Jarvis, Chief Technical and Manufacturing
(Person) (Title) Officer
EURO-COMPOSITES Corporation

Commonwealth of Virginia

City/County of Culpeper/Culpeper

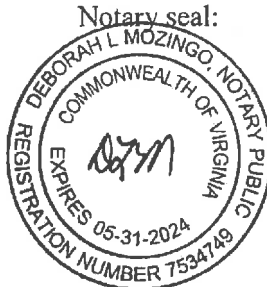
The foregoing document was signed and acknowledged before me this 12th day of May, 2022, by Jameson L. Jarvis who is Chief Technical and Manufacturing Officer of EURO-COMPOSITES Corporation, on behalf of the corporation.

Deborah L. Mozingo
Notary Public

7534749
Registration No.

My commission expires: May 31, 2024

Notary seal:



APPENDIX A
EQUIPMENT OPERATION CONDITIONS FOR
mNSR Reference Nos. 58, 59, and 60

Euro-Composites shall be allowed to operate equipment mNSR Reference Nos. 58, 59, and 60 under testing scenarios to complete an aerospace uniformity performance survey as listed below:

1. A summary of the testing as provided by Euro-Composites and reviewed by DEQ includes the following:
 - a. The uniformity performance surveys usually last about two days per oven and need to be operated three full days prior to conducting the surveys to ensure the proper function of all safety and mechanical features.
 - b. The frequency of the testing scenario is an annual requirement per AMS-2750 specifications.
 - c. Standard temperature calibration surveys shall be performed with the oven empty, and dependent upon customer requirements, with a dummy load. The dummy load is an engineering block that has previously been completely cured and is specifically used for purposes of surveying and testing.
 - d. Euro-Composites expects to complete the uniformity surveys within four weeks of execution of this Order.
 - e. A detailed description of the operational testing scenarios was provided to DEQ by Euro-Composites via a letter dated March 10, 2022.
2. None of the subject equipment shall be operated in any manner that would allow emission of VOCs, or in any manner that deviates from the information provided to DEQ (as summarized above in Item No. 1 of Appendix A), unless written approval is granted by DEQ.

APPENDIX B

SCHEDULE OF COMPLIANCE

Euro-Composites shall:

1. Not operate equipment mNSR Reference Nos. 58, 59, and 60 until a stack test report demonstrating completion of valid stack test in accordance with Condition 22 of the mNSR Permit, is submitted to and accepted by DEQ, except to:
 - a. complete stack testing in accordance with a DEQ-approved Stack Testing Protocol, or
 - b. perform an aerospace uniformity performance survey as per Appendix A of this Order.
2. If a permit modification is completed while this Order is effective and a new permit and/or mNSR permit is issued to Euro-Composites with a Condition that effectively replaces Condition 22 of the 2018 mNSR Permit, then it shall be acceptable for Euro-Composites to submit documentation to demonstrate compliance with stack testing requirements for mNSR Reference Nos. 58, 59 and 60 established in the modified/new permit instead of completing item No. 1 of Appendix B, as listed above.
3. Unless approved by DEQ in writing at a later date, all corrective actions required to bring Euro-Composites into compliance with DEQ air permits at the Facility, are to be completed and documented to DEQ no later than December 31, 2022.
3. In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Euro-Composites, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
4. Unless otherwise specified in this Order, Euro-Composites shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality
Northern Regional Office
Attention: Enforcement
13901 Crown Court
Woodbridge, VA 22193